Secta. II-37—100,000—31-8-42.

Education P.H (1947) Department.

MS SERIES.

G.O. No. 2892 P.H

9

Dated 26-8-47

[Despatch Abstract.]

Re Legislation - Public Health - Proposals for - Recommendations of the Health - Survey and Development Committee - Papers Recorded.

Education & Public Health (Special) Department

LEGISLATION:- Public Health

The Health Survey and Development Committee starts its review of the question of the fresh legal powers - which may be necessary for the Government of India and the Provincial Government with the stateme that as Legislation and administration constitute parallel lines of activity acting and re-acting on each other, the implementation of the health programme is bound to produce, as it proceeds, the need for legal powers in various directions. However the Committee gives in one view its proposals for legislation under the following headings:-

(i) Those which are intended to assist in the formulation and execution of a national health policy based on the largest possible agreement between the Central and Provincial Governments and to promot the coordination of -- Central and Provincial health activities.

(ii) Those which are designed to improve health administration i the provinces particularly the standard of such administration in local areas.

(iii) Those which are required for conferring special powers on health authorities to enable them to carry out their duties more effectively than at present.

(iv) Those which are intended to give statutory - Sanction to certain special proposals e.g., the All India Medical Institute.

(v) Consolidated public health Acts, Central and Provincial.

As suggested by the committee, steps towards legislation will be taken as and when experience reveals the need for fresh statutory powers. The suggestion made by the Committee are noted on/the /in sectional notes below

2. Local Administration, Development and Public Works Department may see before circulation.

Sd/-x x x x x x
L.A.

Sd/-x x x x x x
Development

Sd/-x x x x x x
P.W.D.

Please see the remarks of the Education and Public Health Department on page 1 above and on pages 3-4 of sec notes.

2. The remarks of this Department have been added at page 4 (a) of the sectional notes.

3. The file may be passed on to the Development Department.

Sd/-x x x x x x x
Development
Department.

Development Department

Education and Public Health notes on page 1 above and the sectional notes on page 5-6 & 9 put up below may be perused.

2. The remarks of this Department have been added at pages 6 and 9 of the sectional notes.

3. The file may be passed on to Public Works Department.

Sd/-x x x x x x x

Public Works Department

Education and Public Health on page 1 ante and the sectional notes at pages 7,9 below may be perused.

2. The remarks of this Department have been added at page a of the section notes.

3. The file may be returned to Education and Public Heal.

Sd/-x x x x x x x

Education & Public Health

The case relates to the suggestions of the Bhore Committee legislation on public health matters, dealt with in the sectional es - Further notes are on pages 4 (), 6 and 6 (a)and 9 of Sectional es.

Of the items mentioned on page 1 ante, item (v) relates to a solidated Public Health Act. Such an Act has been force in this vince from 1939. The Act provides for the consititution of a Public lth Board for the Province, greater powers to health authorities to-ds the execution of all measures necessary for the protection of the lth of the ctizen. Under the Act every municipality should earmark less than 30 per cent of its income from all sources (other than vernment grants) for expenditure on the advancement of Public health in s local area, and every district board or Panchayat should similarly rmark 12½ per cent of its income for the purpose. It is found that e provisions contained in the Act are adequate in almost all matters. e question of legislation for the control of leprosy is being examined the ad hoc Committee of the B.E.L.R.A. The Bhore Committee has ggested the need for special legal provision for the following --

(a) a Statutory Central Board of Health.

(b) a Provincial Public Health Board.

(c) a district Health board which will take over the health functions of the local authorities in the district.

(d) Central and Provincial Water and Drainage Boards.

(e) all India Medical Institute.

(f) Institutions in provinces for providing post graduate training on an all India basis.

No action seems necessary, in respect of legislation in the provincial sphere on items (a) (d) and (e) in so far as they relate to the setting up of all-India bodies. Item (b), a Provincial Public Health Board is already in existence. Item (c)-a district health board is considered unnecessary as it involves too diastic a change in the present frame work of local self Government. The suggestions for the establishment of institution ——— for post-graduate training -itemm (f) - are made by the Bhore Committee in the Chapter on 'Professional Education' and they have been separately dealt with. They will be perused after the S.G's remarks which have been called for are receive Action will be separately taken regarding a Provincial Water and Drainage Board - item (d); it is considered sufficient to have a non-statutory water and Drainage Board -

The question of any fresh legal provisions will be considered as and when experience reveals the need for them.

In view of what is stated above, it is for orders whether these papers may be recorded.

H.M. (P.H.) and

H.M. (Local Administration) may see --

Sd/ H.M. (P.H.)

Sd/ H.M. (L.A.)

Extracts from the Sectional Notes (Pages 7-9) have been given to H.1 section for being added to the file relating to the water and drainage Board and for consideration of the suggestions made in the notes - The papers may now be Recorded.

G.O.Ms.No. 2892 Public Health Dt/28-8-1947.

R e c o r d e d.

Sd/-x x x x x

Abstract:-

Legislation - Public Health proposals for Recommendation of the Health Survey and Development Committee- Papers Recorded.

/True copy/

Office Assistant,
Madras Record Office.

SP/31.12.

Sectional Notes.

Formation and execution of a national health policy and the Coordination of central and provincial health - activities.

The Bhore Committee's suggestion is that the centre should promote the development and coordination of provincial health activities mainly by the provision of machinery for mutual consultation in the formulation of the national health policy by a system of grants-in aid from central funds to provinces and by the offer of technical advice to provincial health authorities. In this connection the committee has also suggested that the centre may on occasions interven ih the fe affairs of a province in the interests of the country as a whole and that the centre should be armed with necessary legal powers. The consequential recommendations are for

(a) the establishment of a Statutory Central Board of Health with the Central Minister of Health as Chairman and the Provincial Minister as members and

(b) a modification of the existing relationship betweenthe Centre and the Provinces to the extent of enabling the former to intervene without delay and effectively in provincial health administrations in circumstances in which dereliction of duty by a Provincial Government jeoparadizes the health of the whole country.

2. The above recommendations which are also made by the Committee in its chapter on "Organization and administration" have been noted on in a separate file on the lines of Secretary's suggestions on the subject, which were; that there was a case for a purely advisory body at the centre; that it should have power only to make recommendations on questions of policy, and on general principles and standards, and to coordinate plans; but that it should have no powers - regarding formulation and implementation of plans or to recommend allocation of grants, these matters being -- settled straight between the Government of India and the Provincial Government. It has been proposed in that file that the Government of India should be informed of this Government's support to the proposal for a Central Board subject to the above conditions. This will be done after replie are received from the Surgeon General, Director of Public Health, Director, Cinchona Department etc to the reference which has issued to them on the subject.

What legislation is required as regards the proposed Central Health Board and its functions is for the Central Government to consider. No action seems to be necessary on these suggestions except to the extend indicated at ('A' above - which will be taken in the connected file - so far as Provincial Government is concerned.

Sd/ P.S. Viswanath Iyer
Joint Secretary to Government.

Improvement of Provincial Health Administration

The Committee's suggestions under this heading are --

The measures necessary relate mainly to the sphere of health administration in local areas and statutory sanction will be required for

(a) the creation of district health boards on the lines indicated by the Committee;

(b) the provision of power to the provincial Minister of Health to enforce compliance by the Board with the policy laid down by him;

(c) in the areas under the Committee's scheme (i) the Provincia sation of all classes of health workers and (ii) the conferment upon the Governments of other provinces, of powers similar to those that exist in the Province of Madras whereby the head of the Public Health Department can recommend specific action by local health

health authorities in particular directions for the improvement of the public health and can enforce their execution, sub-ject to the concurrence of the Provincial Government, and

(d) in the areas outside the scheme, the provincialisation of those classes of health personnel which are now recruited and maintained on a provincial basis in Madras and the provision of the powers referred to in (c) (ii) above.

2. (a) The suggestion is for a district health board which is to be the single body in charge of the health administration of the district in the place of the present local authorities, the existing powers of these authorities in health matters being taken away from them. This has been separately noted on on the lines of the Secretary's suggestion that such a board would be unnecessary and that the local authorities are expected to have savings in their present resources, consequent on the transfer of "Highways" from their jurisdiction Provincialization of medical and public health institutions and so on, and will not feel much difficulty in incurring expenditure on public health.

(b) above will not arise in the view taken regarding item (a)

(c) and (d) relate the provincialization of health staff- Secretary's comments are "Our Scheme is under Government auspices and staff " "We have a proposal to provincialize also the existing medical and Public health institutions and staff (making recovery from local bodies at the existing level of expenditure on them"(). So far as the staff in the dispensaries and hospitals are concerned, it will come completely under Government control in the respective areas as and when the primary medical units are established and the Taluk Headquarter hospitals now under District Board control are provincialized. The Public Health establishments too will come completely under Government in these areas. The questions of introducing amendments to the service rules applicable to the Government servants will doubtless be considered by the S.G. Director of Public Health and the Government wherever necessary. Even as regards contributions which may have to be demanded by Government from the local authorities which will be divested of the control over the medical and public health establishments as a result of the scheme of provincialization, payment of the contributions can be demanded from the local authorities concerned under the section 123 of the Madras District Municipalities Act and Section 121 of the Madras Local Boards Act. The provisions of these Acts will probably need some amendment so as to make the payment of contribution by District Boards and Municipal Councils in such cases compulsory; and there will also be need for special provisions in the Acts concerned to implement the decision regarding provincialization of local fund and municipal medical institutions. The question of the necessary legislation is already under consideration in Local Administration.

No special action seems to be called for on the committee's suggestions under this heading.

P.S. Viswanatha Iyer
Sd/-x x x x
Joint Secretary to Government.

Local Administration Department

The remarks of the Education and Public Health Department on pages 3-4 above may be perused.

2. A on page 4 above. If and when the amendments necessary have been decided upon, necessary action will be taken in this Department to amend the Madras District Municipalities and Madras Local Boards Acts.

3. B on page 4 above The file on the subject has been sent to the Education & Public Health and Finance Departments on 28-5-47.

4. K on pp 3-4 above:- It is doubtful whether the local bodies will be able to have savings in their resources owing to the transfer of some roads to Highway Department etc.

The pay of the local bodies staff incldding elementary education staff has been revised and several local bodies are unable to give effect to the proposal even after increasing the rate of their taxes. As it is most of the local bodies are incurring expenditure on Public Health beyond the statutory limits now fixed and will be unable to increase their expenditure further.

Sd/-x x x x x x x
11.6.47.

District Boards are expected to utilise the savings resulting from the transfer of certain roads of theirs to the Highways Department on the better maintenance of the roads left in their charge. The savings from the transfer of roads cannot therefore be counted upon for meeting additional expend-iture on public health.

Sd/-x x x x
16.6.47.

Education & Public Health

Local Administration Departments' remarks may be perused - Secretary's point with reference to which these remarks are made is that there wont be any special difficulty in meeting the expenditure on Sanitation - l aving Highways alone, it cannot be denied that provincialization of the health Services in the areas where combined units are to be established is itself a boon to District Boards as concerned --

No actionis necessary.

Sd/-x x x x x

Special legal provisions for enabling Health authorities to carry out their duties effectively.

The important suggestions under this head are noted on below:-

(a) adequate powers should be conferred on Health authorities for the enforcement of anti-mosquito measures.

Secretary has asked that this suggestion may be examined with reference to the existing provisions. The suggestion, which is also made by the committee in chapter XI on "Malaria", has already been dealt with separately. It has been found in that connection that the existing provisions of Chapter IX of the Madras Public, Health Act 1939, are quite adequate to enable Health authorities to take-anti-mosquite measures whenever necessary, and that no additional provision is necessary in that regard. The Director of Public Health has concurred in that view.

(b) Provision should be made for the compulsory -- vaccination and revaccination of small-pox.

Secretary has ordered that the suggestion be examined with reference to the existing provisions. The committee has also made this suggestion in connection - with the measures necessary to combat small pox. It has been noticed in that connection that section 137 (1) of the Madras Local Boards Act, 1920, and section 300 (1) of the Madras District Municipalities Act already lay down that vaccination should be compulsory; and it is also--observed that under the rules framed in pursuance of these provisions both primary vaccination and re-vaccination are compulsory inthis province with provisions for objections. In view of these facts, it has been held in linked file that no action would be necessary on the recommendation. The suggesti for making legal provision in this regard need not therefore be pursued.

(c) Legal sanction by rules framed by respective Government for a memorandum of instructions drawn up by the Central Health Board, for joint action when inter-provincial spread of infectious diseases threatens or actually takes place.

Secretary has noted as follows on this "Action has to be taken by Centre first; may be taken up in due course". No action is ne-

necessary on the part of the Provincial Government on this suggestion, at this stage.

(d) The principles of the Agricultural Produce Grading and Marking Act should be made applicable to articles other than agricultural.

The Committee has made this suggestion in the Chapter on "Nutrition of the people" and it is separately under consideration. The Director of Agriculture has been consulted in the matter which will be pursued in the relevant file.

2. The suggestions made this head do not seem to call for action now.

Sd/x P.S. Visawana Iyer
Joint Secretary to Government.

Development Department

A above;

The notes of Education & Public Health Department may be peruse The Agricultural produce grading and Marking Act is a central Act. No remarks are therefore called for in this Department.

Sd/- A.S. III
20.6.47;

Education and Public Health (Spl)

A above - The file regarding the application of the Agricultural Grading and Marking Act to products other than agricultural has been sent to Development and Food - This proposed to address the Government of India & asking them to take action in the matter. No other action seems necessary.

Sd/-x x x x

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Legislation in connection with certain other proposals of the Committee.

The proposals for which legislative action may be necessary under this heading, according to the committees are

(i) the all-India Medical Institute

(ii) the establishment and maintenance of institutions in the provinces for providing on an all-India basis, post-graduate training facilities of a high order.

(iii) the Central and Provincial Water and Drainage Boards.

2. Item (i) above has been noted on in connection with the committee's proposals for an all-India Medical Institute in chapter XX of Volume II of its report. Provincial finances would not be affected by those proposals and it is proposed in the relevant file to intimate to the central Government the Provincial Government's support to the committee's proposals in this regard. Legislative action if any, has to be taken by the Government of India.

3. As regards item (ii), the Committee in chapter XVIII on "Professional education" has made various suggestions in regard to advanced post-graduate training facilities, and has recommended the setting up of Central and Provincial Committees for Post Graduate Medical -- Education. These and other connected suggestions will be separately examined in consultation with the Surgeon General and the Universities.

4. Item (iii) has already been considered in connection with the committee's proposals for the solution of water supply and drainage problems. Secretary was for considering the suggestion. It has been considered in the relevant file that so far as the Provincial sphere is concerned, the consititution of a Water and Drainage Board would be advantageous. The composition of the Board, so far as this Province is concerned, would be somewhat as follows, if the

if the Board is set up on lines recommended by the Board committee:

(1) The Director of Agriculture or his Deputy.
(2) The Chief Engineer for Irrigation or his Deputy.
(3) The Chief Engineer for Electricity or his Deputy.
(4) The Sanitary Engineer.
(5) Water Works and Drainage Engineer, Corporation of Madras
(6) Water works and Drainage Engineer, Madura Municipality.
(7) The D.K.I., Guindy.
(8) A distinguished worker in the field of water and sewage analysis.
(9) A geologist.
(10) A.D.P.H. (Malaria and Mosquite borne diseases)
(11) Director of Public Health or Surgeon General.
(12) The Chief Engineer, Public Works Department (General Buildings and Defence).
(13) Joint Secretary or Secretary, Education & Public Health Department.
(14) Representatives of local authorities.

The Chief Engineer Public Works Department has been asked to submit proposals for the constitution of the Board. It is seen that the Board of Revenue which is the Head of the Department for Rural Water Supply does not have a representative on the Board, if it is to be constituted on the above lines. If it is considered that the Board of Revenue is also to be represented on the proposed W.& D. Board, Joint Secretary or Secretary, Board of Revenue may also be a members; or if a representative of the Board of Revenue is held to be unnecessary, Joint Secretary or Secretary Education & Public Health will probably suffice so far as R.W.S. problems are concerned. This point can be left over for consideration after the Chief Engineer's proposals on the subjects are received. The immediate question now for orders is whether legislation is necessary to implement this recommendation of the Committee. As the proposed Board will be an expert body and will have to tackle important problems including those connected with the financing of schemes, it would seem to be better if it is a statutory instead of an informal, body, as only such status will give a certain prestige and importance to its decisions. If this view is concurred in, the Chief Engineer may be asked to report on this point also; and after these proposals are received the question of amending the Madras Public Health Act, 1939 in this regard may be taken up.

Sd/- P.S. Viswanatha Iyer
Joint Secretary to Government.

Development Department

Education & Public Health notes from page 7 may be perused. With reference to 'A' on page 8 above no special remarks seems necessary.

There is no objection to the Director of Agriculture being included in the Water Drainage Board if it is constituted.

Sd/-x x x x

Public Works Department (c)

The remarks of Education & Public Health at pages 7-9 above may be perused. There is no objection to the Chief Engineer (General Building and Defence) being included in the proposed Board.

Public Works Department

There is no objection to the Chief Engineer (Irrigation) or his deputy being included in the proposed Board.

Sd/-x x x x

There is no objection to the Chief Engineer (Electricity) or his deputy being included in the proposed Board.

The Chief Engineer(General) concerned may be consulted.

Sd/-x x x x

Education and Public Health

Extracts will be taken of these notes and action taken in the relevant file regarding a Provincial Water and Drainage Board.

Sd/-x x x x

Consolidated Public Health legislation.

The Committee considers that the enactment of consolidated public health Acts by the Central and Provincial Legislatures is necessary. This, in the committee's opinion, is necessary for three purposes, namely

(i) to bring together existing legal provisions relating to health which are scattered over various enactments (ii) to modify those sections of the law which require change in the interests of promoting efficient administration and (iii) to incorporate the new provisions which will be necessary for the development of the health programme recommended by the committee. The Committee has made the same suggestion in its chapter on "Organization and administration".

2. Secretary has ordered that the suggestions may be examined. So far as the need for Central legislation is concerned, it is for the Government of India to consider. As regards the Provincial Sphere, in the first place it is probable that the committee which is araw aware of the - existence of the Madras Public Health Act, 1939, was mainly thinking of the needs of other provinces. However, it may be stated that the first purpose referred to above is fulfilled by the existing Public Health Act, which is fairly comprehensive and includes provisions relating to such subjects as water supply demarcation of residential areas abatment of over-crowding, registration of lodging houses and so on. The following extract from the speech made by the then Prime Minister in supporting the motion for a Select Committee on the Public Health Bill seems to make this point clear: "The Bill looks large, because, it is a synopsis, it is a culling together of the provisions which now burk behind a number of Acts which are in force. They are all brought together here. There is the Local Boards Act, there is the District Municipalities Act, the City Municipal Act and a number ofother minor Acts; and the provisions relating to " Public Health in all these Acts are broughtt together Hence it looks very large **"

In connection with any new provisions which may be necessary for promoting efficient administration and for the implementation of the new health schemes, the committee's observation that the implementation of the health programme is bound to produce the need for legal powers will be relevant, that is, as more experience is gained, the question of legislation on any point will doubtless be examined. In this view no general examination of the need for amendments to the present Public Health Act seems to be required at this stage.

With regard to leprosy which the committee specially mentions in this connection, it may be stated that special provisions for the prevention and control of leprosy (including provisions for the notification of "Segregation area") have been introduced by Madras Act IV of 1944. The question as to whether further powers will be necessary in this regard will doubtless be considered by the special Ad hoc Committee of the B.E.L.R.A. which is now going into the question of leprosy control with reference to Bhore Committee recommendations.

In view of what is stated aboveit is for consideration whether it will not suffice if the question of legislation is considered as and when problems arise.

Sd

I agree

Sd/- P.S. Viswanatha Iyer
Joint Secretary to Government

I agree too

Sd/-x M.V. Subramaniam
Assistant Secretary,

SP/31.12.